

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

UNITED STATES OF AMERICA)	
)	
v.)	No. 3:21-CR-114
)	JUDGE VARLAN
BRYCE A. AXLINE)	

SENTENCING MEMORANDUM

The Defendant, Mr. Bryce A. Axline, asks this Honorable Court to consider the following facts, personal characteristics, and history in relation to the imposition of a sentence in his case. This Sentencing Memorandum reflects Mr. Axline’s position with respect to a sentence that is sufficient but not greater than necessary to achieve the sentencing purposes set forth in 18 U.S.C. §3553(a). As the Court is aware from the Revised Presentence Investigation Report, (Doc. 43, ¶ 74) (hereinafter referred to as “PSR”) Mr. Axline’s advisory guideline range is 36-47 months in Zone D of the Sentencing Table. Mr. Axline respectfully requests this Honorable Court to sentence him to thirty-six (36) months imprisonment, followed by twelve (12) months of Supervised Release. Mr. Axline further requests that this Honorable Court find him eligible for self-reporting to the Bureau of Prisons (hereinafter referred to as “BOP”) following its sentencing determination. Mr. Axline offers the following 3553(a) factors in support of his sentencing request:

1. Facts of the Case:

In Summer 2021, Mr. Axline was like many young adults in the country, he was looking forward to a season of fun with those he loved and cared about. Bryce recently graduated from the Treca Online Digital Academy with his high school diploma and was looking forward to the adventures that adulthood had in store for him. Unbeknownst to him, and others, tragedy would befall this formative time in his life.

On June 7, 2021, Bryce, his girlfriend, E.P., and her good friend, S.Y. loaded into his 2012 Honda Civic and began a road trip from Ohio. Initially, the plan was to drive to Florida to spend time with E.P.'s father, who was ill. However, the plan changed. The three young adults wound up traveling to Pigeon Forge, Tennessee, to spend time at the Park Tower Inn, in a hotel room provided by E.P.'s father. After checking into the hotel, the trio again climbed into the Honda Civic in search of food. By this time, however, most local eateries in the area were closed. The trio agreed to return to their hotel room. All three nineteen-year-olds climbed into the Civic. Bryce fastened his seat belt. E.P. and S.Y. did not. At approximately 11:40 p.m., the unexpected happened. While on the Spur, the Civic ran off of the road and crashed into an embankment.

Immediately following the impact, emergency services were contacted, and passersby assisted the trio. Unfortunately, the car accident proved life-altering and fatal. After arriving at the LeConte Medical Center, nineteen-year-old E.P. was pronounced deceased. Both S.Y. and Bryce were transported to the University of Tennessee Medical Center (herein after referred to as "UTMC") for medical evaluation. While at UTMC, S.Y. underwent numerous surgeries and lifesaving measures. As is common following a fatal car accident, Bryce was subjected to a blood draw, where his Blood Alcohol Concentration (BAC) returned between 0.065-0.081.¹ Bryce's BAC exceeded the 0.02 *per se* intoxication level of someone between the ages of 16 and 20 years of age.

On September 15, 2021, the Grand Jury for the Eastern District of Tennessee at Knoxville returned a five-count Indictment against Bryce. Following his arraignment on the above-captioned Indictment, Bryce was placed on pre-trial supervision with the United States Probation Office. On

¹ A Blood Alcohol Concentration, numbered TBI Lab Case #212008941, was returned on June 30, 2021, and found the Ethyl Alcohol Content to be 0.049%. The estimated BAC calculated using retrograde extrapolation by the TBI laboratory.

October 2, 2022, Bryce pleaded guilty to Count One, charging him with Vehicular Homicide, in violation of T.C.A. § 39-13-213, and Count Two, charging him with Vehicular Assault, in violation of T.C.A. § 39-13-106. During the pendency of his case, Bryce has remained in full compliance with his conditions of pre-trial release.

2. History and Characteristics of Bryce Axline:

Born on January 30, 2002, to the union of Crystal and Jarred Axline, Bryce Allen Axline was raised in and currently resides in Ohio. (PSR ¶ 63). Bryce and his two sisters, Macie and Caitlin, have been lifelong residents of Ohio, and the Axline family maintains a close relationship. (Id.) Though the Axline family has a strong bond, Bryce's life has not been without struggle. Unfortunately, Bryce was raised in a situation that would be difficult for any child. Addiction plagued both sides of his family, as it "runs in the family," and the struggles attached to addiction followed. (*see* PSR ¶ 64). At the age of fifteen, young Bryce found himself homeless, not once—but twice. (Id.) Bryce was forced to withdraw from the extracurricular activities he loved and was consumed with survival. With the displacement of his family, Bryce withdrew from public school. Bryce, however, always recognized the importance of education. Ultimately, he found his way into homeschooling, where he ultimately earned his high school diploma from the Treca Online Digital Academy in February of 2021. (PSR ¶ 69).

In the Summer of 2021, following his high school graduation, Bryce began a new relationship with E.P. This was an exciting time in Bryce's life, and he was eager to see what the future would bring him. Unfortunately, as discussed above, tragedy struck. Following the horrible accident on June 7, Bryce's life changed. Suddenly, the excitement of his future turned to horror. The new relationship he began, ended. The life of E.P., extinguished. The life of S.Y. forever changed. Bryce had to face the reality of his decisions that fateful night.

After the accident, Bryce began to experience mental health conditions he had not faced before. Since the accident, Bryce has been diagnosed with Post-Traumatic Stress Disorder (PTSD) and Generalized Anxiety Disorder. (PSR ¶ 68). Following the accident, Bryce has had trouble sleeping, has had flash backs of that fateful night, and has dealt with immeasurable guilt due to his decisions. With all of these emotional burdens, Bryce has undergone continuous mental health treatment and counseling, which he plans to continue. (*see Id.*).

3. Nature and Circumstances of the Offense:

On June 7, 2021, Bryce embarked on a car ride that would forever change his life, and the lives of those who were with him. This ride would ultimately cause serious injury to his passenger S.Y. and end the life of his girlfriend E.P.. After leaving from their Pigeon Forge, Tennessee hotel room, the trio set off in search of some late night eats. Ultimately, a car accident occurred, to which, Bryce takes full responsibility.² The three nineteen-year-olds had no idea that their trip to the Great Smokey Mountains National Park would end in tragedy. At approximately 11:40 p.m., the Civic that the trio was travelling in veered off of the roadway and struck an embankment at approximately 43 miles per hour. E.P.'s young life was extinguished. S.Y.'s young life was altered by serious injuries. Bryce's young life was forever changed.

Once first responders arrived on the crash site, located on the Spur, within the jurisdiction of the Great Smokey Mountains National Park, they discovered that there were two full twelve-ounce cans, and one empty one twelve-ounce can of Twisted Tea in the left rear passenger compartment. In addition, first responders located one opened and one "busted" twelve-ounce cans of Twisted Tea and one empty twelve-ounce bottle of Bud Light beer in the passenger compartment.

² It should be noted that Bryce immediately told one of the passers-by on the site of the car accident that he "was driving too fast and lost control. [He] thought he could make the curve."

The two offenses that Bryce pleaded guilty to are undoubtedly serious. Count One resulted in E.P. being taken away from her family. Count Two resulted in the serious bodily injury to S.Y.. These two charges have not been taken lightly by Bryce. They have had a profound impact on his life, and the guilt for which he feels is immense.

Sister Helen Prejean famously said, “people are more than the worst thing they have done in their lives.” And though the toll has been immeasurable to S.Y. and E.P., and E.P.’s family, Bryce is more than the worst thing he has ever done. Since his release to the pre-trial services division of the United States Probation Office, Bryce has maintained his sobriety. His sobriety is something he takes very seriously, and to date, Bryce has not violated his terms and conditions of release. Bryce recognizes the role that alcohol played the night of June 7, 2021. A decision he wishes he could take back. Though, he cannot.

Bryce’s compliance with his federal pre-trial release conditions is a strong indication that he will be a successful Supervised Releasee out of this Court. There is little doubt that Bryce will comply with any conditions this Court feels are appropriate regarding supervised release.

4. The need to Promote Respect for the Law and avoid unwarranted sentence disparities:

The USSG has provided guidance on an advisory sentence in this sort of matter. Mr. Axline absolutely respects that. The concept that no one is above the law and that laws should be administered equally and justly is essential to any society. If laws are enforced arbitrarily then respect for the rule of law is undermined.

Since the events that are outlined above and in the PSR, Bryce Axline has been a fully law-abiding citizen. It is Mr. Axline’s position that a sentence at the bottom end of his guideline range would promote respect for the law when viewing Bryce’s case through a totality of the

circumstance lens. From his lack of criminal history prior to obtaining these convictions, to his conduct since being released.

5. Adequate deterrence to criminal conduct:

The need for specific deterrence is very minimal in this particular case when you look at the rehabilitation that Bryce has gone through. Merriam-Webster's definition of rehabilitation includes:

- the process of restoring a person to a drug-or alcohol-free state
- the process of restoring someone to a useful and constructive place in society
- the restoration of something damaged or deteriorated to a prior good condition³

Bryce's rehabilitation hits all three levels of this definition:

6. The Process of restoring a person to a drug-or alcohol-free state

Bryce admitted being a regular user of alcohol up until the accident on June 7, 2021. He also admitted the daily use of marijuana from ages 16 to 18. (PSR ¶ 69). He also admitted his experimental use of Adderall, cocaine, and LSD. (Id.). Since the accident, and as evidenced by his compliance with the United States Probation Office, Bryce has taken steps to address his substance use, and maintain his sobriety. Being free of drugs and alcohol has opened an entire new life and future for Bryce. A future that includes being a role model for his infant son, Hudson.

7. The process of restoring someone to a useful and constructive place in society

Upon his release to the United States Probation Office, Bryce has maintained steady employment. Particularly, Bryce has been employed with Ultra-Met Co. in Urbana, Ohio.

Bryce has accepted responsibility for his actions and actively participated in the criminal process. Bryce has attended all court appearances, probation and pretrial meetings, and drug screenings. He has completed mental health screening and therapy sessions, while always meeting his designated curfew and adhered to travel restrictions. He has been a textbook probation and pretrial release client taking every opportunity to create a constructive place in society.

³ <https://www.merriam-webster.com/dictionary/rehabilitation>

8. The restoration of something damaged or deteriorated to a prior good condition

Of course Bryce cannot turn back the hands of time. The untimely death of E.P is undoubtedly tragic. The significant injuries that S.Y. endured following the accident are horrific. Bryce is not proud of his behavior; he is not proud of the damage that he caused others but all his actions – since the accident – are evidence he is committed to restoration. Bryce understands that a period of incarceration may be necessary to fulfill his societal obligations for his wrongdoings the night of June 7, 2021, to which he is ready to answer.

Bryce's biggest accomplishment is his family. Since his release to United States Probation, he has become a father to his young son, Hudson, with his girlfriend Amara. (PSR ¶ 66). Bryce provides for his family financially and emotionally and is present for his family. Bryce has restored the relationships he damaged during his period of young adulthood and made new ones and those new ones help him stay in good condition. Bryce Axline not only meets the definition of rehabilitation, but he exceeds it. Bryce's biggest regret, however, has been his inability to express to the families of E.P and S.Y. how terribly sorry he is for his actions.

Bryce is living a life that would not have seemed even a remote possibility to him in the Summer of 2021. The sincerity when speaking to him about his gratitude and the blessings in his life are easy to identify. He does not need to be deterred from the damage that alcohol use and crime have brought into his life. He is thankful every day for his life and is working to heal broken relationships created by his past behavior.

It is respectfully submitted that general deterrence would also be served by the requested sentence. Society expects individuals who break the law to face the consequences of their actions. No reasonable individual in the general public would look at Bryce's punishment (legal and moral) and not be deterred from similar conduct.

9. CONCLUSION:

Bryce has grown greatly during the entirety of this process. He has realized that he cannot run or hide from his past, and he had to face it head on to move forward. He is aware of the hurt and damage he caused to the people that were and are the closest to him. He is aware of the harm he caused to these families; he is sincerely remorseful and offers a full apology. He accepts full responsibility for his actions and respectfully ask for leniency from the court. The Bryce Axline before the Court today in 2023 is not the same Bryce Axline that drove to Pigeon Forge nearly two years ago in 2021. To incarcerate him for more that thirty-six (36) months would be a significant setback for him and his family. He has no concerns about going into custody for his wrongdoing, but he has learned immense lessons from his decisions that fateful night of June 7, 2021. He is afraid of losing more time, than necessary, with his family, not being there for them when they need him, providing for them financially and emotionally. Bryce Axline's biggest fear is losing his family, particularly losing the milestones with his young son, Hudson. He asks this Court to fashion a sentence that will allow him to pay his debt to society, while allowing him to reenter society with further training and allow him to be the mature adult he has become.

Based on the above, Mr. Axline respectfully requests this Honorable Court to sentence him to thirty-six (36) months imprisonment, followed by twelve (12) months of Supervised Release. Mr. Axline further requests that this Honorable Court find him eligible for self-reporting to the Bureau of Prisons (hereinafter referred to as “BOP”) following its sentencing determination. This sentence would be sufficient but not greater than necessary to achieve the sentencing purposes set forth in 18 U.S.C. §3553(a).

Respectfully submitted this 18th day of January 2023.

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